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ACOUSTIC MARINE POLLUTION

INTERNATIONAL REGULATORY FRAMEWORK

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NOISE AS AN ACTIVE AGENDA ITEM

- International Commission for the Regulation of Whaling
- ACCOBAMS (Black & Mediterranean Seas)
- ASCOBANS (Baltic & North Seas)
- Committee on Environmental Protection (Southern Ocean)
- OSPAR (North East Atlantic)

NOISE AS IDENTIFIED IN THE TEXTS OF INSTRUMENTS

- 1992 Helsinki Convention for the Protection of the Baltic
 - Article 9 - noise is narrowly confined to a problem associated with pleasure boats
- 1991 Arctic Environmental Protection Strategy
 - Noise is broadly identified as one of 6 environmental concerns in the Arctic
- 1992 ASCOBANS
 - Noise is noted as a potential source of disturbance to populations of small cetaceans.

INSTRUMENTS RELEVANT TO THE REGULATION OF NOISE POLLUTION

- Instruments seeking to reduce and prevent pollution within the maritime environment
- Instruments seeking to conserve biodiversity, particularly cetaceans
- Instruments providing for applicable environmental procedures such as environmental impact assessment

INSTRUMENTS SEEKING TO PREVENT POLLUTION

- UNCLOS 1982
 - Article 192, 194 *et seq.*
 - Article 211 & MARPOL 73/78
 - Noise is not a substance
- Regional Seas Instruments
 - Articles 4(1) & 2(a) 1995 Barcelona Convention (Mediterranean)
 - Articles 2(1) & 1(d) 1992 OSPAR (North East Atlantic)
 - Articles 3(1) & 2(1) 1992 HELCOM (Baltic)

INSTRUMENTS SEEKING TO CONSERVE BIODIVERSITY

1. General obligations to conserve biodiversity
 - UNCLOS
 - Biodiversity Convention 1992
 - 1995 SPA Protocol (Mediterranean) (Article 3(1)(b))
 - 1992 OSPAR (North East Atlantic) (Annex V)
 - 1992 HELCOM (Baltic) (Article 15)
 - 1991 Environmental Protocol (Antarctic) (Annex II)

INSTRUMENTS SEEKING TO CONSERVE BIODIVERSITY

2. Obligations to establish and regulate activities within, special areas.

- 1992 CBD
- IMO PSSA Scheme (A.927(22) (2001))
- Regional Schemes
 - 1991 Environmental Protocol (Annex V) (Antarctica)
 - 1995 SPA Protocol (Mediterranean - SPAMIs)
 - 1992 OSPAR & 1992 HELCOM both incorporate PSSA Scheme into their regional strategies
 - 1979 Bern Convention (European wildlife & habitat)
 - 1992 EC Habitats Directive

INSTRUMENTS SEEKING TO CONSERVE BIODIVERSITY

3. Obligations to protect individual species including (but not limited to) cetaceans
 - 1991 Environmental Protocol (Antarctic)
 - 1979 Bern Convention / 1992 Habitats Directive
 - A number of regional seas conventions including the 1995 SPA Protocol (Mediterranean)
 - ASCOBANS 1992 (North & Baltic Seas)
 - ACCOBAMS 1996 (Black & Mediterranean Seas)
 - 1946 ICRW

INSTRUMENTS IMPOSING GENERAL ENVIRONMENTAL OBLIGATIONS & PROCEDURES

- Such as environmental impact assessment
 - UNCLOS Article 206
 - 1991 Environmental Protocol (Antarctica) Annex I
 - 1995 Barcelona Convention (Mediterranean) Article 4(3)(c)
 - 1992 HELCOM Article 7(1)
 - 1991 Espoo Convention on EIA
- Such as monitoring the impact of activities on the environment
- Such as applying the principle of precaution